

REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants wish to thank the Examiner for the notice that claims 1-4, 6-11, 13-17, 32, 33, 36-48 and 50 have been allowed. Applicants have amended some of the allowable claims to rearrange steps so that the claims read better. However, it will be recognized that the steps may be performed in any suitable order and that the amendment does not change the scope of the allowed claims. As to claim 10, Applicants have also removed the step of providing the cipher text to the second party since in this claim the message data that includes a cipher text is communicated to the third party.

Applicants have also canceled claims 40-47 as it is believed that these claims are duplicative of claims 1-9, respectively. Applicants also respectfully cancel claim 49 without prejudice. Applicants also respectfully submit that the reasons for allowance of the pending claims are believed to be for the reasons set forth by the claim language in these claims. The statement for reasons of allowable subject matter does not appear to mirror the claim language of the allowable claims and as such, clarification is respectfully requested. Applicants do agree that the prior art does not disclose, among other things, three party cryptographic communication methods as claimed wherein double key packages are distributed from a first party to a third party by way of a second party to facilitate mandatory communication between the second party and the third party and decryption of data based on the recovered decryption key.

Claims 18, 19, 20-24, 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Appelbaum in view of Auerbach.

The office action in the "Response to Arguments" section again appears to overlook specific claim language in an effort to reject the claims. In addition, Applicants respectfully submit that the teachings of Appelbaum and Auerbach as a whole are also not taken into account.

As to claim 23, Applicants respectfully note that this is an independent claim and that the rejection instead refers to limitations from apparently claim 29. Applicants respectfully submit that this may be a typographical error in the office action.

As to claims 23 and 27, Applicants again respectfully resubmit the relevant remarks made in the previous office action and that the combination of Appelbaum with that of Auerbach is not proper and even if combined, would not result in the claimed system. Among other things, the Background of the Invention of Auerbach does not refer to a double key package and application of such would appear to teach a complete redesign of the Appelbaum system to eliminate the need for a key identifier database as alleged in the office action. Appelbaum deals with a symmetric key system that uses a key identifier database. To eliminate such a necessary component, would be contrary to Appelbaum's teachings. Accordingly, the office action appears to use impermissible hindsight to reject Applicants' claims.

The dependent claims add additional novel and non-obvious subject matter. For example, claim 19 requires that the first cryptographic key engine encrypts a first cryptographic key that is used to encrypt data, with another encryption key that is associated with a second party. The first key package is then encrypted using a third encryption key associated with a third party to produce a double key package. Again, the use of multi-party keys to generate the double key package as claimed is not taught or suggested in the cited references. Accordingly, this claim is also believed to be in condition for allowance.

Applicants have also added new dependent claim 51 that depends on claim 27. The new claim 51 is also believed to be allowable since none of the cited references teach the use of the associated keys from the parties as claimed and as further noted above with respect to claim 18. Accordingly, Applicants respectfully submit that the claim is in condition for allowance.

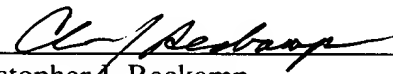
The dependent claims add additional novel and non-obvious subject matter.

Claims 25, 26 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Appelbaum in view of Auerbach in further view of Pearlman. Applicants respectfully reassert the relevant remarks made above and as such, these claims are also in condition for allowance. In addition, these claims add additional novel and non-obvious subject matter.

Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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